

AMENDED IN SENATE JUNE 3, 2003

AMENDED IN SENATE MAY 20, 2003

SENATE BILL

No. 86

Introduced by Senator Machado

January 27, 2003

~~An act to add Chapter 4.6 (commencing with Section 31180) to Division 21 of the Public Resources Code, relating to coastal resources. An act to amend Sections 29753, 29760, 29761, 29762, and 29763 of, and to repeal Section 29761.5 of, the Public Resources Code, relating to delta protection.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 86, as amended, Machado. Sacramento-San Joaquin Delta ~~Conservancy Program~~ protection: resource management plan.

The existing Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992 declares the Legislature's finding that the Sacramento-San Joaquin Delta is a natural resource of statewide, national, and international significance, containing irreplaceable resources, and it is the policy of the state to recognize, preserve, and protect those resources of the delta for the use and enjoyment of current and future generations. To that end, the existing act requires the Delta Protection Commission to appoint agricultural, environmental, and recreational advisory committees for the purpose of providing the commission with timely comments, advice, and information.

This bill would authorize, rather than require, the commission to appoint advisory committees, as necessary, for the purpose of providing timely comments, advice, and information.

The existing act required the commission, by October 1, 1994, to prepare and adopt by a majority vote, and thereafter review and maintain, a comprehensive long-term resource management plan for land uses within the primary zone of the delta. The act required the Director of the Office of Planning and Research to submit comments and recommendations on the resource management plan for the commission's consideration, prior to the plan's adoption, and required the commission to adopt the resource management plan by a majority vote, after at least 3 public hearings, with at least one hearing held in a city in the north delta, one in a city in the south delta, and one in a city in the west delta.

This bill would delete provisions related to the plan's adoption, and make conforming changes, including requiring the director to submit comments and recommendations on the plan for the commission's consideration prior to the plan's readoption. The bill would require any change to the plan to be approved by a majority vote, after at least 3 public hearings, with at least one hearing held in a city in the north delta, one in a city in the south delta, and one in a city in the west delta.

~~Existing law authorizes the State Coastal Conservancy to acquire, manage, direct the management of, and conserve specified coastal lands and wetlands in the state.~~

~~This bill would establish the Sacramento-San Joaquin Delta Conservancy Program, to be administered by the conservancy, for the purpose of restoring, enhancing, and protecting the unique agricultural, economic, natural, cultural, recreational, public access, and urban waterfront resources and opportunities of the Sacramento-San Joaquin Delta, as defined, in a coordinated, comprehensive, and effective manner, as prescribed.~~

~~The bill would create the Sacramento-San Joaquin Delta Conservancy Program Account in the State Coastal Conservancy Fund, for the purpose of depositing and disbursing funds for the administration and implementation of the program. The bill would require that the money in the account be segregated into 2 subaccounts; the first of which would contain state funds that are appropriated by the Legislature for the purposes of the program; the second of which would contain nonstate funds that are derived from other sources, exclusive of federal funds, for the purposes of the program.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



The people of the State of California do enact as follows:

1 ~~SECTION 1. Chapter 4.6 (commencing with Section 31180)~~
2 ~~is added to Division 21 of the Public Resources Code, to read:~~

3 ~~SECTION 1. Section 29753 of the Public Resources Code is~~
4 ~~amended to read:~~

5 ~~29753. The commission shall may appoint agricultural,~~
6 ~~environmental, and recreational advisory committees, as~~
7 ~~necessary, for the purpose of providing the commission with~~
8 ~~timely comments, advice, and information. The commission may~~
9 ~~appoint committees from its membership or may appoint~~
10 ~~additional advisory committees from members of other interested~~
11 ~~public agencies and private groups. The commission shall seek~~
12 ~~advice and recommendations from advisory committees~~
13 ~~appointed by local government which that are involved in subject~~
14 ~~matters affecting the delta.~~

15 ~~SEC. 2. Section 29760 of the Public Resources Code is~~
16 ~~amended to read:~~

17 ~~29760. (a) Not later than October 1, 1994, the The~~
18 ~~commission shall prepare and adopt, by a majority vote of the~~
19 ~~membership of the commission, and thereafter review and~~
20 ~~maintain, a comprehensive long-term the resource management~~
21 ~~plan for land uses within the primary zone of the delta. The~~
22 ~~resource management plan shall consist of the map of the primary~~
23 ~~zone and text or texts setting forth a description of the needs and~~
24 ~~goals for the delta and a statement of the policies, standards, and~~
25 ~~elements of the resource management plan.~~

26 ~~(b) The resource management plan shall meet the following~~
27 ~~requirements:~~

28 ~~(1) Protect and preserve the cultural values and economic~~
29 ~~vitality that reflect the history, natural heritage, and human~~
30 ~~resources of the delta.~~

31 ~~(2) Conserve and protect the quality of renewable resources.~~

32 ~~(3) Preserve and protect agricultural viability.~~

33 ~~(4) Restore, improve, and manage levee systems by promoting~~
34 ~~strategies, including, but not limited to, methods and procedures~~
35 ~~which that advance the adoption and implementation of~~
36 ~~coordinated and uniform standards among governmental agencies~~
37 ~~for the maintenance, repair, and construction of both public and~~
38 ~~private levees.~~

- 1 (5) Preserve and protect delta dependent fisheries and their
2 habitat.
- 3 (6) Preserve and protect riparian and wetlands habitat, and
4 promote and encourage a net increase in both the acreage and
5 values of those resources on public lands and through voluntary
6 cooperative arrangements with private property owners.
- 7 (7) Preserve and protect the water quality of the delta, both for
8 instream purposes and for human use and consumption.
- 9 (8) Preserve and protect open-space and outdoor recreational
10 opportunities.
- 11 (9) Preserve and protect private property interests from
12 trespassing and vandalism.
- 13 (10) Preserve and protect opportunities for controlled public
14 access and use of public lands and waterways consistent with the
15 protection of natural resources and private property interests.
- 16 (11) Preserve, protect, and maintain navigation.
- 17 (12) Protect the delta from any development that results in ~~any~~
18 a significant loss of habitat or agricultural land.
- 19 (13) Promote strategies for the funding, acquisition, and
20 maintenance of voluntary cooperative arrangements, ~~such as~~
21 *including, but limited to,* conservation easements, between
22 property owners and conservation groups that protect wildlife
23 habitat and agricultural land, while not impairing the integrity of
24 levees.
- 25 (14) Permit water reservoir and habitat development that is
26 compatible with other uses.
- 27 (c) The resource management plan ~~shall~~ *may* not supersede the
28 authority of local governments over areas within the secondary
29 zone.
- 30 (d) To facilitate, in part, the requirements specified in
31 paragraphs (8), (9), (10), and (11) of subdivision (b), the
32 commission shall include in the resource management plan, in
33 consultation with all law enforcement agencies having jurisdiction
34 in the delta, a strategy for the implementation of a coordinated
35 marine patrol system throughout the delta that will improve law
36 enforcement and coordinate the use of resources by all
37 jurisdictions to ensure an adequate level of public safety. The
38 strategic plan shall identify resources to implement that
39 coordination. The commission ~~shall have no authority to~~ *may not*
40 abrogate the existing authority of ~~any~~ a law enforcement agency.

(e) To the extent that any of the requirements specified in this section are in conflict, nothing in this division shall deny the right of the landowner to continue the agricultural use of the land.

SEC. 3. Section 29761 of the Public Resources Code is amended to read:

29761. The Director of the Office of Planning and Research shall submit comments and recommendations on the resource management plan for the commission's consideration, prior to the plan's adoption *or readoption*.

SEC. 4. Section 29761.5 of the Public Resources Code is repealed.

~~29761.5.— Not later than January 7, 1995, the commission shall transmit copies of the resource management plan to the Governor. Copies of the resource management plan shall be made available, upon request, to Members of the Legislature.~~

SEC. 5. Section 29762 of the Public Resources Code is amended to read:

~~29762. The commission shall adopt, Any change to the resource management plan shall be approved by a majority vote of the membership of the commission, the resource management plan~~ after at least three public hearings, with at least one hearing held in a city in the north delta, *one in a city in the south delta, and one in a city in the west delta.*

SEC. 6. Section 29763 of the Public Resources Code is amended to read:

29763. Within 180 days from the date of the adoption of the resource management plan or any amendments *to the resource management plan* by the commission, all local governments shall submit to the commission proposed amendments that will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the primary zone.

~~CHAPTER 4.6.— SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY PROGRAM~~

~~31180. The Sacramento-San Joaquin Delta Conservancy Program is established pursuant to this chapter, to be administered by the conservancy, for the purpose of restoring, enhancing, and protecting the unique agricultural, economic, natural, cultural, recreational, public access, and urban waterfront resources and~~

~~opportunities of the Sacramento-San Joaquin Delta in a coordinated, comprehensive, and effective manner.~~

~~31181. (a) The Legislature hereby finds and declares that the Sacramento-San Joaquin Delta constitutes a region of significant statewide importance to the people of California. The Legislature further finds and declares that one of the state's primary goals for the delta is to protect, maintain, enhance, and restore the overall quality of the delta environment with respect to resources, including, but not limited to, agriculture, wildlife habitat, public access, and recreational opportunities.~~

~~(b) The Legislature further finds that, in order to protect the delta, it is important that urban development not occur in the primary zone, as defined in Section 29728, so that agriculture, wildlife, and recreation are allowed to flourish.~~

~~31182. For purposes of this chapter, the following terms have the following meanings:~~

~~(a) "Commission" means the Delta Protection Commission as established pursuant to Chapter 3 (commencing with Section 29735) of Division 19.5.~~

~~(b) "Delta" means the Sacramento-San Joaquin Delta, as defined in Section 12220 of the Water Code, and, in addition, the area within the incorporated limits of the City of Rio Vista.~~

~~(c) "Program" means the Sacramento-San Joaquin Delta Conservancy Program established pursuant to this chapter.~~

~~31183. The conservancy may undertake projects in the delta with public and private entities, and may award grants or loans, or both, to public agencies, nonprofit organizations, and private entities to achieve the following goals of the program:~~

~~(a) Implementation of the long-term resource management plan adopted by the commission under Section 29760. In undertaking and funding projects designed to implement the resource management plan and projects undertaken by the conservancy not included in the resource management plan, the conservancy shall work in conjunction with the commission and shall consult public and private entities and individuals, including advisory committees established under Section 29753 and similar groups, as appropriate.~~

~~(b) Promotion of farming in a manner that integrates agricultural activities with environmental protection and that also sustains the economics of the region through wildlife-friendly~~

1 ~~farming practices, implementation of innovative farming~~
2 ~~technology, improvement of water quality and water usability,~~
3 ~~enhancement of habitat, integrated pest management practices,~~
4 ~~and other approaches.~~

5 ~~(e) Protection of farmland, including, but not limited to, land~~
6 ~~used or usable for grazing.~~

7 ~~(d) Restoration, enhancement, and protection of open space~~
8 ~~and natural areas.~~

9 ~~(e) Compatibility of agricultural and other private land uses,~~
10 ~~recreational and educational uses, and wildlife protection.~~

11 ~~(f) Implementation of the policies, programs, and plans of the~~
12 ~~commission, the CALFED Bay Delta Program, and the adopted~~
13 ~~plans of local governments and special districts that are consistent~~
14 ~~with the policies, programs, and plans of the commission.~~

15 ~~(g) Collaboration with public or private entities and individuals~~
16 ~~that support the economy of the communities and rural areas of the~~
17 ~~delta, including urban waterfronts.~~

18 ~~(h) Provision of public access and recreational opportunities.~~

19 ~~(i) Provision, protection, and enhancement projects that~~
20 ~~provide open space and natural areas.~~

21 ~~(j) For purposes of this chapter only, the conservancy may not~~
22 ~~undertake or fund an acquisition of property rights where there is~~
23 ~~not a willing seller. In addition, the conservancy may not undertake~~
24 ~~or fund an acquisition of property rights that is in conflict with~~
25 ~~existing rights of mineral interests owners.~~

26 ~~31184. In developing projects under the program, the~~
27 ~~conservancy shall give priority to those projects that meet all of the~~
28 ~~following criteria:~~

29 ~~(a) Supported by adopted local or regional plans.~~

30 ~~(b) Serve a multijurisdictional or regional constituency.~~

31 ~~(c) Include matching funds from other sources of funding or~~
32 ~~assistance. The matching funds obligation can be satisfied by the~~
33 ~~provision of in-kind activities that further the goals of the~~
34 ~~conservancy.~~

35 ~~(d) Can be implemented in a timely manner.~~

36 ~~(e) Serve more than one of the goals described in Section~~
37 ~~31183.~~

38 ~~31185. At least 60 days prior to the conservancy approving the~~
39 ~~implementation of a program project, the conservancy shall~~
40 ~~submit a project description summary to the commission for~~

1 review. If the commission has not, within 60 days from the date of
2 that submission, acted to disapprove the proposed project on the
3 grounds that the project is in conflict with the long-term resource
4 management plan, the project may proceed pursuant to this
5 division.

6 31186. ~~(a) The Sacramento-San Joaquin Delta Conservancy~~
7 ~~Program Account is hereby created in the State Coastal~~
8 ~~Conservancy Fund for the purpose of depositing and disbursing~~
9 ~~funds for the administration and implementation of the program.~~

10 ~~(b) (1) The money in the account created pursuant to~~
11 ~~subdivision (a), which shall be available for expenditure upon~~
12 ~~appropriation by the Legislature, shall be segregated into two~~
13 ~~subaccounts, as follows:~~

14 ~~(A) The first subaccount shall contain state funds that are~~
15 ~~appropriated by the Legislature for the purposes of this chapter. All~~
16 ~~interest that accrues on the funds in this subaccount shall be~~
17 ~~transferred to, and deposited into, the General Fund. The~~
18 ~~conservancy shall account for all deposits of funds in this~~
19 ~~subaccount that are derived from funds that were appropriated by~~
20 ~~the Legislature for the purposes of this chapter.~~

21 ~~(B) The second subaccount shall contain nonstate funds that are~~
22 ~~derived from other sources, exclusive of federal funds, for the~~
23 ~~purposes of this chapter, including, but not limited to, private~~
24 ~~donations made for the purposes of this chapter, regulatory fees,~~
25 ~~and local government contributions made for the purposes of this~~
26 ~~chapter. All interest that accrues on the funds in this subaccount~~
27 ~~shall be retained in the subaccount and shall be available for~~
28 ~~expenditure by the conservancy for the purposes of this chapter.~~
29 ~~Not more than 3 percent of the funds that are deposited in this~~
30 ~~subaccount shall be utilized by the conservancy for general~~
31 ~~administration and planning purposes. No funds may be expended~~
32 ~~from this subaccount for an activity that would require a~~
33 ~~commitment of state funds in the future. The conservancy shall~~
34 ~~account for all deposits of funds in this subaccount for the purposes~~
35 ~~of this chapter.~~

36 ~~(2) All reimbursements, proceeds of sale, or other money~~
37 ~~received by the conservancy for the purposes of this chapter that~~
38 ~~are not expended on projects authorized under the program shall~~
39 ~~be deposited in the appropriate subaccount of the account.~~

1 ~~(c) The conservancy is not required to undertake an activity~~
2 ~~pursuant to this chapter until funds from new sources that are not~~
3 ~~available to the conservancy as of January 1, 2004, are~~
4 ~~appropriated by the Legislature or otherwise made available to the~~
5 ~~conservancy for those purposes, and until the State Coastal~~
6 ~~Conservancy Fund is reimbursed from moneys in the account for~~
7 ~~all administrative or general planning funds expended by the~~
8 ~~conservancy for the purposes of this chapter prior to the~~
9 ~~appropriation of funds to, or the availability of funds in, the~~
10 ~~account for those purposes. In accomplishing the objectives of this~~
11 ~~chapter, the conservancy may exercise its authority as provided for~~
12 ~~in this division, as well as pursuant to all other express or implied~~
13 ~~authority granted to the conservancy.~~

14 ~~31187. In the report to the Governor and the Legislature~~
15 ~~required by Section 31108, the conservancy shall discuss its~~
16 ~~progress in addressing the goals of this chapter, including, but not~~
17 ~~limited to, implementation of the long-term resource management~~
18 ~~plan adopted by the commission under Section 29760.~~

